Voice of the people

Voice of the people: public participation and independence

Oliver Escobar

Introduction

Public participation in the 2014 referendum on Scottish independence was ground-breaking, not just because of the 85% turnout, but also because of the high quality of public deliberation in the two years before the ballot. Myriad conversations sprung up and down the country, from communities to institutions, from pubs to churches, from neighbourhoods to digital spaces, and from workplaces to kitchen tables. There was much to think about and therefore plenty to talk through.

'Talk' often gets a bad rap, as popular expressions go: 'talk is cheap', 'talking shop', 'less talk more action'. But without certain forms of talk, including dialogue and deliberation, democracy cannot thrive. Talk without action may be pointless, but action without talk can be senseless.

When thinking about the possibility of a second referendum on independence in Scotland, perhaps the main transferable lesson from the first referendum is that both

public participation and deliberation must be central. There must be a multiplicity of civic spaces where people can meet across differences, seek to understand a range of perspectives and engage in productive conversations.

These spaces are different from the partisan forums created by the Yes and No campaigns. This chapter reflects on the importance of such civic spaces and makes a call to protect and multiply them so that any future referendum conversations are not just shaped by partisan rhetoric and political marketing.

Democratic innovations

Much of political life consists of claims and counterclaims about who or what represents the 'voice of the people'. This is one of the great challenges of turning democratic ideals into practice: there is no such thing as 'the voice of the people'.

This isn't just because there are many, sometimes irreconcilable, voices; but also because democracy is an evolving experiment. A snapshot in time only captures a temporary agreement in an ongoing conversation. To articulate such agreements, democracy has a growing repertoire of processes for public participation beyond party politics, electoral campaigning, street protest and traditional consultations. This is what we now refer to as 'democratic innovations' (Elstub and Escobar, 2019), which are processes or institutions designed to reimagine and deepen the role of citizens through new forms of participation, deliberation and influence. These innovations include participatory budgeting, digital crowdsourcing and citizens' assemblies, as explored below.

Scotland has been for some time experimenting with democratic innovations, with public participation becoming central in current debates about good governance and democracy (What Works Scotland, 2019: 6-13). For example, in the last ten years there have been at least 300 participatory budgeting processes across Scotland, where citizens can directly decide how authorities and communities spend public money at the local level (Escobar et al, 2018).

Another high-profile example is that of 'mini-publics', a democratic innovation where citizens are selected by civic lottery (somewhat similar to jury duty) and then given the time and resources needed to engage in careful public deliberation (Escobar and Elstub, 2017). Notable examples of mini-publics are: the citizens' juries that the Scottish Parliament piloted in 2019 to help parliamentary committees to inform work on land management reform (Scottish Parliament, 2019); the more recent Citizens' Assembly on Scotland's future [1], or the latest development: Scotland's Climate Assembly, following similar processes in France and at the UK level [2]. This is therefore a story that is not just confined to Scotland. There is a global tide of democratic innovation, partly as a response to the growing democratic recession (Escobar and Elstub, 2019).

1. See: https://www.citizensassembly.scot/
2. See: https://www.climateassembly.scot

The democratic recession is characterised by a sustained loss of democratic systems around the world, particularly in the last decade (Diamond, 2015; Wike and Fetterolf, 2018). The Democracy Index shows that 48% of the world's population live in some kind of democracy, but only 5% live in a 'full democracy' – with the USA, for example, now categorised as a 'flawed democracy' (The Economist, 2016; 2019).

The Global Attitudes Survey shows increased indifference, frustration and authoritarian attitudes around the world, particularly amongst the youngest populations (Foa and Mounk, 2016). There is also a growing gap between the 'politically rich' and the 'politically poor' on a global scale, which refers to power inequalities in terms of who gets to exercise influence in democratic governance (Dalton, 2017). The UK is now at the highest-ever recorded level for public dissatisfaction with democracy (Foa et al, 2020).

This global democratic recession is arguably one of the most fundamental changes in context since the Scottish independence referendum in 2014, notwithstanding other critical developments such as Brexit and Covid-19. In this context, Scotland may embark on another referendum to decide its constitutional future. The point I want to emphasise in this chapter is that 'how' the decision is reached – the process – matters as much as the result. This is the critical question when we think about 'the voice of the people': how is that voice constructed?

There are different types of public participation. For example, much attention is paid to participation in partisan contexts, such as electoral campaigns, political activism and ongoing party politics. But this overlooks where much of political life now unfolds: numerous active networks through communities of place, interest, practice and identity; countless new spaces in the digital public sphere; and emerging democratic innovations that provide new interfaces between citizens and institutions (Elstub and Escobar, 2019).

Politics is more than party politics, and democracy is more than electoral democracy. For example, Ireland has in recent years legalised equal marriage and abortion largely thanks to civic campaigns and non-partisan citizens' assemblies, which prepared the ground for referendums (Farrell et al, 2018). In Brazil, local community decisions, via participatory budgeting, have increased healthcare spending and community capacity to tackle local issues, resulting in the decrease of infant mortality rates (Touchton and Wampler, 2014).

Referendums are amongst the bluntest of instruments in the direct democracy toolbox because they usually address complex issues through a limited range of choices. Nevertheless, referendums can lead to different types of public participation depending on their context and how they are designed (Jaske and Setala, 2019). For example, referendums dominated by partisan campaigning are different from those that also enable broader participation and deliberation beyond traditional political spaces. The two-year period given in preparation for the 2014 independence referendum allowed time for that kind of broader and deeper participation. This is in contrast to processes with a shorter timeframe for preparation, such as the referendum on leaving the European Union, which has an impact on the quality of public dialogue and deliberation (Renwick et al, 2018).

Active citizens

In a minimalist form of 'electoral democracy', citizens are typically invited to be voters, spectators, protesters and (between elections) consultees in policy and public services. In a fuller version of democratic practice, usually termed 'participatory democracy' (see Escobar, 2017), citizens are also invited to be deep thinkers, problem-solvers, co-producers and decision-makers. Citizens thus contribute to a richer sense of democratic life.

Learning from democratic innovations in Scotland and around the globe supports the notion that, when given the right time and resources, citizens can grapple with complex issues and reach well-informed decisions for the public good (Elstub and Escobar, 2019). This much we know from processes and institutions such as mini-publics, participatory budgeting and digital crowdsourcing [3].

The current wave of democratic innovation in Scotland owes much to how the 2014 independence referendum took place. In the two years running up to the vote, there were numerous innovative civic spaces for non-partisan public participation. Despite the obvious divisions, there seemed to be some level of consensus in both the Yes and No campaigns around the idea that democracy needed to work better, and be reimagined and rekindled, regardless of the outcome of the referendum.

The Scottish public sphere both expanded and deepened as a result of this commitment. There were, for example, initiatives like *So Say Scotland*, which organised an independent Citizens' Assembly in 2013, inspired by the Icelandic constitutional process a few years before [4]. The initiative also created a card game about the referendum (*Wee Play Scotland*), which supported groups, friends and families across the country to facilitate and engage in dialogue without polarisation [5].

New grassroots spaces were complemented by established organisations. For instance, the Electoral Reform Society Scotland was at the forefront of a range of processes and events, including the Democracy Max inquiry [6]. This was a civic-led process, starting with a People's Gathering and continuing with various roundtables and public events. Other established networks played a role in creating new spaces for dialogue and deliberation, including the Scottish Communities Alliance, the Scottish Urban Regeneration Forum, the Scottish Community Development Centre, the Church of Scotland and the Scottish Council for Voluntary Organisations.

New networks also sprang up during the 2014 independence referendum, for example Collaborative Scotland, which developed the mediation-inspired *Commitment to*

3. You can see some examples at: https://participedia.net
4. See: https://www.nesta.org.uk/feature/new-radicals-2014/so-say-scotland/
5. See: https://issuu.com/sosayscotland
6. See: https://www.electoral-reform.org.uk/campaigns/democratic-innovations/scottish-devolution/

Respectful Dialogue: a set of guidelines for public conversations supported by key figures and organisations [7].

All sorts of civic institutions and public bodies, including Scottish universities, hosted a variety of events and developed resources to inform public participation (not least our predecessor book, *Scotland's Decision*; see Jeffery & Perman 2014).

There was a proliferation of grassroots community spaces and processes, and more substantive political talk in pubs, churches, town halls, community centres, and family tables. Many of these fora were non-partisan, seeking to create a safe space for deliberation beyond the Yes and No camps, thereby reducing the potential for polarisation and including a wider range of views, such as people who were undecided or reticent to enter partisan spaces.

Nevertheless, both the Yes and No campaigns played a crucial part in engaging citizens too, and indeed they involved far more people in their events and activities than any of these non-partisan initiatives. The opportunity for improvement, were there to be a second referendum, is therefore to expand the range on non-partisan spaces so that citizens have a wider range of options to participate.

Lessons for the future: meaningful and effective participation

Participatory democracy is not only about creating new processes, but also developing new mindsets, skills and ways of interacting in society more broadly.

The following reflections are meant to provide food for thought for public institutions and civil society organisations seeking to create new public spaces, or to improve existing ones. There are five dimensions of public participation which are particularly important; not just for referendums, but democratic life more broadly.

Communication beyond debate

First, it is crucial to expand the palette of communication forms deployed in public conversations. Confrontational *debate* plays a central role in democracy, but it can often be a limiting way of discussing public issues (Tannen, 1998). Other options are available. For instance, *dialogue*, which is an exploratory form of communication that seeks to build understanding and relationships; or deliberation, which engages difference and conflict in an informed, considered and respectful manner. A vibrant public sphere requires a variety of forms of communication, but adversarial debate has become so prevalent that the alternatives are often crowded out. Dialogue and *deliberation* require careful design, for example in terms of the choice of participatory formats, rules for

7. See: https://collaborativescotland.org/commitment/

group interaction, support for participants and skilful facilitation (for practical guidance see: Escobar, 2011; and Faulkner and Bynner, 2020).

Facilitation

Second, the quality of communication expected in dialogue and deliberation takes a great deal of facilitation work. Facilitation is the practice of enabling group conversations that are inclusive, meaningful and productive (Escobar, 2011). The role of a facilitator is to help the group meet its aims, encourage the fullest possible inclusion within the group, manage time-sharing, serve the needs of each individual and the group, and welcome difference and disagreement while avoiding the use of confrontation (Escobar, 2011: 46–54). The facilitator's toolbox includes conversation guidelines or 'engagement rules', and techniques for questioning, summarising, framing and reframing (Escobar, 2019). A participatory democracy requires impartial facilitators (e.g. community workers, professional mediators) who are focussed on the process of creating spaces where citizens can have difficult conversations that otherwise wouldn't happen amidst the noise of mediatised debates.

Avoiding confrontation

Third, conflict and confrontation must be understood and carefully distinguished from contestation. Difference and contestation are essential to democracy. Their suppression has been the source of much misery around the world. Without respect for differences there cannot be authentic democracy. However, this does not mean that confrontation is the best way to deal with conflict. Confrontation can accentuate polarisation and entrenchment, which only helps to nurture a vicious circle leading to further confrontation (Escobar, 2011: 12-15). Moreover, it prevents the deep, shared exploration of conflict, as confrontation often simplifies issues and stereotypes others. As a result, confrontational communication can become the very thing that prevents us from constructively engaging across differences. It is precisely here that practices of dialogue and deliberation have a lot to offer.

Exposure to other opinions

Fourth, participatory democracy thrives when citizens have opportunities to interact with other citizens who think very differently from them. A danger of current political life, exacerbated by some digital platforms, is that many citizens only get to talk about public issues with like-minded people (Sunstein, 2009). Without exposure to the experiences, views, testimonies and values of others there is a risk of fostering polarisation and simplification by dividing communities. There's a need to create more public forums where citizens from all walks of life can safely encounter a diversity of perspectives and possibilities. It is easy to dismiss or despise a faceless 'other'. When people meet under the right conditions, they can explore issues and perspectives in a more nuanced manner and at a more human level (Escobar, 2011). This is essential to the development of a well-

informed public. It is also the difference between a democracy built on unreflective public opinion and a democracy built on collective public reasoning.

Facilitative leadership

Finally, new processes and practices require a new kind of 'facilitative leadership'. If traditional leadership is about having (or pretending to have) all the answers and pointing the direction, facilitative leadership is about enabling citizens to work out the answers and agree the directions (Henderson et al, 2018: 92-93). The facilitative leader is someone who knows how to bring people together to engage in dialogue and deliberation. The ultimate goal of this kind of leader is not notoriety, but to willingly vanish into the self-governing community that she has helped to facilitate.

Conclusion

At the time of writing this chapter, the Citizens' Assembly of Scotland is heading towards its conclusion. This is a body of around 110 citizens selected through a civic lottery to reflect the diversity of demographics and perspectives in the Scottish population [8]. Participants are supported with a stipend in order to reduce barriers to participation, particularly amongst those who are most disadvantaged in society.

Early research shows promising results in terms of inclusion and quality of dialogue and deliberation [9]. Their task is to address a range of questions, including 'what kind of country are we seeking to build?' and 'how best can we overcome the challenges Scotland and the world face in the 21st century, including those arising from Brexit?' After four weekends of deliberation (over six months) the Assembly had to be moved online due to the Covid-19 pandemic. It will report to the Scottish Parliament in early 2021. Many of the issues undergoing public deliberation at the Assembly are of relevance to the constitutional future of Scotland. If there is to be a second independence referendum, there is a clear opportunity to build on the groundwork already done by democratic innovations like this.

When thinking about a second independence referendum, another clear lesson from the Covid pandemic is the importance of public digital infrastructure. Online capacity and spaces are having to mature quickly by necessity. A second independence referendum presents the opportunity to leverage this potential and enable a richer digital public sphere in Scotland. Pioneers such as *vTaiwan*, a digital deliberation and crowdsourcing platform now embedded within the government of Taiwan, show the potential to involve millions of citizens online while ensuring quality of interaction and

8. See: https://www.citizensassembly.scot/who-is-involved/assembly-members
9. See: https://www.citizensassembly.scot/research

communication [10]. Investing in the upgrading of democracy makes sense regardless of whether there is another referendum. That is the point of democratic innovation: to help plug the gaps in legitimacy and capacity that currently drain our electoral democracies and, eventually, widen and deepen democratic life.

There is disagreement on whether there should be a second independence referendum in Scotland. But hopefully there is agreement that, if or when it takes place, the process should enable meaningful public participation, including spaces for dialogue and deliberation. Referendums can do this if they are well designed, for instance by: allocating enough time for preparation, resourcing non-partisan spaces, recruiting impartial facilitators, making room in the media for communication beyond debate, supporting public and non-profit organisations to host participatory processes, and providing incentives for both campaigns to engage in non-partisan spaces. There is a lot at stake given the global democratic recession and the state of public satisfaction with democracy in the UK. An engaged and informed public is the best inoculation against the forces that currently keep democracy under siege.

References

Dalton, R. J. (2017) The Participation Gap: Social status and political inequality, Oxford, Oxford University Press. https://global.oup.com/academic/product/the-participation-gap-9780198733607?cc=gb&lang=en&

Diamond, L. (2015) 'Facing up to the democratic recession', Journal of Democracy, 26, 141-155. https://www.journalofdemocracy.org/articles/facing-up-to-the-democratic-recession/

Elstub, S. & Escobar, O. (eds) (2019) The Handbook of Democratic Innovation and Governance, Cheltenham, UK; Northampton, MA, USA: Edward Elgar. https://www.e-elgar.com/shop/gbp/handbook-of-democratic-innovation-and-governance-9781786433855.html

Escobar, O. (2011) Public dialogue and deliberation: A communication perspective for public engagement practitioners. Edinburgh: UK Beacons for Public Engagement. https://oliversdialogue.wordpress.com/2013/08/01/public-dialogue-and-deliberation-a-communication-perspective-for-public-engagement-practitioners/

Escobar, O. (2017) Pluralism and democratic participation: What kind of citizen are citizens invited to be? Contemporary Pragmatism, 14, 416-438. https://brill.com/view/journals/copr/14/4/article-p416_416.xml?language=en

10. To understand how vTaiwan works for crowdsourcing legislation, see: https://congress.crowd.law/case-vtaiwan.html; and how digital democracy helped to address the pandemic, see: https://theconversation.com/hacking-the-pandemic-how-taiwans-digital-democracy-holds-covid-19-at-bay-145023

Escobar, O. (2019) 'Facilitators: The micropolitics of public participation and deliberation', in Elstub, S. & Escobar, O. (eds.) The Handbook of Democratic Innovation and Governance. Cheltenham, UK; Northampton, MA, USA: Edward Elgar. https://www.e-elgar.com/shop/gbp/handbook-of-democratic-innovation-and-governance-9781786433855.html

Escobar, O. & Elstub, S. (2017) Forms of mini-publics: An introduction to deliberative innovations in democratic practice. Research and Development Note 4, newDemocracy Foundation, Open Access. https://newdemocracy.com.au/wp-content/uploads/2017/05/docs_researchnotes_2017_May_nDF_RN_20170508_FormsOfMiniPublics.pdf

Escobar, O. & Elstub, S. (2019) 'The field of democratic innovation', in Elstub, S. & Escobar, O. (eds.) The Handbook of Democratic Innovation and Governance. Cheltenham, UK; Northampton, MA, USA: Edward Elgar. https://www.e-elgar.com/shop/gbp/handbook-of-democratic-innovation-and-governance-9781786433855.html

Escobar, O., Garven, F., Harkins, C., Glazik, K., Cameron, S. & Stoddart, A. (2018) 'Participatory budgeting in Scotland: The interplay of public service reform, community empowerment and social justice', in Dias, N. (ed.) Hope for democracy: 30 years of participatory budgeting worldwide. Vila Ruiva, Cuba; Faro, Portugal: Epopeia Records & Oficina. http://whatworksscotland.ac.uk/publications/hope-for-democracy-participatory-budgeting-in-scotland/

Farrell, D. M., Suiter, J. & Harris, C. (2018) "Systematizing' constitutional deliberation: the 2016–18 citizens' assembly in Ireland,' Irish Political Studies, 1-11. https://www.tandfonline.com/doi/abs/10.1080/07907184.2018.1534832

Faulkner, W. & Bynner, C. (2020) How to design and plan public engagement processes. Glasgow: What Works Scotland. https://policyscotland.gla.ac.uk/public-engagement-processes-handbook/

Foa, R. S., Klassen, A., Slade, M., Rand, A. & Williams, R. (2020) Global satisfaction with democracy, Cambridge: Bennett Institute for Public Policy, University of Cambridge. https://www.bennettinstitute.cam.ac.uk/publications/global-satisfaction-democracy-report-2020/

Foa, R. S. & Mounk, Y. (2016) 'The danger of deconsolidation,' Journal of Democracy, 27, 5-17. https://www.journalofdemocracy.org/articles/the-danger-of-deconsolidation-the-democratic-disconnect/

Henderson, J., Revell, P. & Escobar, O. (2018) Transforming communities? Exploring the roles of community anchor organisations in engaging with, leading and challenging public service reform. Edinburgh: What Works Scotland. http://whatworksscotland.ac.uk/publications/exploring-the-roles-of-community-anchor-organisations-in-public-service-reform/

Jaske, M. & Setala, M. (2019) 'Referendums and citizens' inititatives', in Elstub, S. & Escobar, O. (eds.) The Handbook of Democratic Innovation and Governance.

Cheltenham, UK; Northampton, MA, USA: Edward Elgar. https://www.e-elgar.com/shop/gbp/handbook-of-democratic-innovation-and-governance-9781786433855.html

Jeffery, C. and R. Perman (2014) Scotland's Decision: 16 Questions to think about for the referendum on 18 September. https://www.nls.uk/e-monographs/2014/ScotlandsDecision.pdf

Renwick, A., Palese, M. & Sargeant, J. (2018) Discussing Brexit—Could We Do Better? Political Quarterly, 89, 545-552. https://onlinelibrary.wiley.com/doi/abs/10.1111/1467-923X.12595

Scottish Parliament (2019) 'Citizen's Jury on Land Management', Committee Engagement. [insert hyperlink: https://www.parliament.scot/parliamentarybusiness/110917.aspx

Sunstein, C. R. (2009) Going to extremes: How like minds unite and divide, Oxford, Oxford University Press. https://global.oup.com/academic/product/going-to-extremes-9780195378016?cc=gb&lang=en&

Tannen, D. (1998) The argument culture. Changing the way we argue and debate, London, Virago Press. https://www.amacad.org/publication/argument-culture

The Economist (2016) Democracy Index 2016. Revenge of the 'deplorables', London: The Economist Intelligence Unit. https://www.transparency.org.nz/docs/2017/Democracy_Index_2016.pdf

The Economist (2019) Democracy Index 2019. London: The Economist Intelligence Unit. https://www.eiu.com/topic/democracy-index

Touchton, M. & Wampler, B. (2014) 'Improving social well-being through new democratic institutions,' Comparative Political Studies, 47, 1442-1469. https://journals.sagepub.com/doi/abs/10.1177/0010414013512601

What Works Scotland (2019) Key messages about public service reform in Scotland. Glasgow. http://whatworksscotland.ac.uk/key-messages-about-psr-in-scotland/

Wike, R. & Fetterolf, J. (2018) 'Liberal democracy's crisis of confidence', Journal of Democracy, 29, 136-150. https://www.journalofdemocracy.org/articles/liberal-democracys-crisis-of-confidence/